

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

School Education –Private Aided Schools – Secondary Education- Hyderabad district- Implementation of orders of the Hon’ble High Court dated 31-7-2008 in W.P.No.27709/05 filed by Smt R. Lakshmi W/o Late G.S.Rajender, Ex-Jr.Asst, Keshav Memorial Girls High School, Narayanaguda, Hyderabad for sanction of arrears of salary of Late Sri G.S.Rajender, ex-Junior Assistant for the period from 5/1985 to 1/2003 amounting to Rs.10,65,818-00 – Orders –Issued.

EDUCATION (SE-PS.I) DEPARTMENT

G.O.Ms.No. 45

Date 21-03-2009

Read the following

- 1 Govt. in Memo No.10342/PS-1/05 Education(SE-PS.I) Department dated 28-11-2005
- 2 From the Smt R. Lakshmi W/o Late G.S.Rajender, Ex-Jr.Asst, Keshav Memorial Girls High School, Narayanaguda, Hyderabad dated 29-09-2008
- 3 Govt. Memo No. 17150 / PS.I/ A1/2008 Education (SE-PS.I) Department dated 2-12-2008
- 4 From the Hon’ble APHC notice in C.C.No. 1693 of 2008 in W.P.No. 27709 of 2005 received on 10-02-2009
- 5 Govt.Memo No. 17150 / PS.I/ A1/2008 Education (SE-PS.I) Department dated 18-02-2009
- 6 From the DSE, AP, Hyderabad Lr Rc. No. 391 / B4-2/ 2003 ,dated 25 -02-2009 received on 3-3-2009

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ORDER:-

Sri G.S.Rajender was appointed as Junior Assistance in 1971 in Kesav Memorial High School, Narayanguda, Hyderabad. The management of the school dismissed him from service on the charges of misappropriation of funds and other irregularities on 30.04.1985. He has filed an appeal before Regional Joint Director of School Education , Hyderabad against the dismissal order. The Regional Joint Director of School Education, Hyderabad (Appellate authority) has modified the penalty of dismissal as stoppage of three increments with cumulative effect and issued directions for reinstatement him into the service vide his letter dated 6-5-1986. Aggrieved by the order of the RJDSE, Hyderabad the management of the school has filed appeal before the Government. Government in its orders dated 6-5-1986 stayed the orders passed by RJDSE and subsequently vacated the stay orders on 11 -09-1986.

2 Aggrieved by the vacation of stay orders the management of the school has filed W.P.No.13582/86 in the High Court and the court in its orders dated 15 -04-1987 of directed the Government to dispose of the appeal filed within six weeks and the court directed the management to pay subsistence allowance to Sri G.S Rajender for the period commencing from 6-5-1986 to till the disposal of the appeal.

3 Sri G.S Rajender has filed contempt case No 379 /1988 in W.P.No. 13582 of 86 and the Court in its order dated 27-06-2989 held that, the post is an aided post and the Government has to release the amount and directed the management of to resubmit the bills within two weeks and the respondents 2 to 4 i.e. the Government etc., shall pass the same within two weeks and order payment of the entire arrears of subsistence allowance due to the petitioner.

4. Government dismissed the appeal filed by the management and held that Sri G.S Rajender shall get all consequential benefits and the management has to make payment of salary, allowances etc., due to him from 6-8-1986 to the date of his joining the school from its own funds duly deducting the amount already paid vide memo No. 42274 / PS .1 /86 Education dated 1-3-1994.

5. Aggrieved by the above orders of the Government dated 1-3-1994, the management of the school has filed W.P.No. 6461 /94 in the Hon'ble High Court and the court in its judgment dated 22.04.2002 directing the 3rd respondent (management) to work out the bills for payment of salary from the date of dismissal till the date of joining and forward the proposal to Government to take appropriate action in accordance with law and to pay the same to the third respondent after adjusting the subsistence allowance already paid to him and the petitioner-management is directed to reinstate the third respondent forthwith after obtaining written apology as per the orders of 2nd respondent.

6. The management has re-instated Sri G.S Rajender into service w.e.f. 17.06.2002. He expired on 3-2-2003. As per the orders of Hon'ble High Court the management submitted the arrears of salary bills to the District Educational Officer Hyderabad, who forwarded the same to the Director of School Education, Andhra Pradesh, Hyderabad, The Director of School Education, Andhra Pradesh, Hyderabad while submitting the statements for the salary arrears to be paid to the incumbent from 5/1985 to 1/2003 amounting to Rs.10,65,818-00 and for release of the said amount and orders for fixation of pay in PRC's 1986, 1993 and 1999 requested the Government to accord permission to release the above said amount towards arrears of salary of late Sri G. Rajender, Jr.Asst in Keshav Memorial Girls High School, Narayanguda, Hyderabad.

7. The Government in Memo No.10342/PS-1/05 Dt:28-11-2005 directed the Director of School Education, Hyderabad to file Writ Appeal against the orders of Hon'ble High Court dated 22-04-2002 in W.P No.6461 of 1994 based on the grounds as laid down in the said memo duly filing the delay condonation petition.

8. Smt. R. Lakshmi W/o late Sri G.S. Rajender, Ex-Jr.Asst. at Kesava Memorial Girls High School, Narayanguda has filed a WP No.27709 of 2005 in the Hon'ble High Court with a request for payment of arrears of salary and other allowances due to her husband.

9. The Hon'ble High Court in its orders Dt:31.07.2008 in W. P.No.27709/05 has issued following directions.

"The casual manner in which the plight of individual is being dealt with is a matter of serious concern. The dispute even according to the letter of the Government dt:28.11.2005 is with regards the person who is liable to make payment to the legal heirs of Sri G.S.Rajender. While this court, in its orders dt:22.04.2002 in W.P.No.6461/94 had directed the Government to pay salary to Sri G.S. Rajender, the Government is of the view that it is the 3rd respondent who was required to pay and not the Government. The fact that Sri G.S.Rajender is entitled to receive the amount is not in dispute since the only dispute relates to the question whether it is the Government or the 3rd respondent which is required to make payment, ends of justice would be met if the Government were directed to pay the salary due Sri G.S. Rajender in accordance with the orders of this court in W.P.No.6461/94 dt:22.04.2002, to the petitioners herein within a period of three months from the date of receipt of a copy of this order leaving it open to them to recover the said amount from the 3rd respondent in case they succeed in the Writ Appeal"

10. Government have examined the matter with reference to the connected records and remarks of Director of School Education, Andhra Pradesh Hyderabad and found that as the W.A. (SR) No. 48822 of 2007 is pending in the Hon'ble High Court for payment of arrears of salary by the management to the individual and the Hon'ble High Court now ordered for payment of salaries due to Sri G.S Rajneder to the petitioners with an order to recover the said amount from the 3rd respondent i.e., Management of the school in case succeeded in the Writ Appeal and in view of the contempt petition filed by the petitioner, Government hereby accord sanction of arrears salaries of Late Sri G.S Rajender, Ex-Junior Assistant, Keshava Memorial High School, Narayanguda, Hyderabad for an amount of Rs 10,65,818-00 (Rupees Ten lakhs sixty five thousand eight hundred eighteen only) to Smt. R. Laxmi W/o Late Sri G.S Rajender,, subject to outcome of orders of Hon'ble High Court of A.P. in W.A. (SR) No. 48822 of 2007.

11. The expenditure sanctioned in para (10) above shall be initially met from an advance drawn from the contingency fund of Andhra Pradesh to be recouped during the financial year 2009-2010., meeting the expenditure from the following head of account by seeking additional funds during 2009-10.

" 2202" – General Education

02 – Secondary Education

MH (110) – Assistance to Non- Government Secondary Schools

SH (04) - Assistance to Private Aided Institutions

310 – Grants-In –Aid

311 – Grant-in Aid towards Salaries

12. Necessary orders releasing the above amount from the contingency fund will be issued separately by Finance Department.

13. The Director of school Education is requested to place the amount in para (10) above at the disposal of District Educational Officer, Hyderabad for payment to the petitioner under proper acknowledgement as per rules.

14. This order issues with the concurrence of Finance (ESE) Department vide their U.O.No. 8283 -C / 143 / ESE / 09 dated 21-03-2009

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**K.R.KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of School Education , Andhra Pradesh , AP, Hyderabad

The Pay Accounts Officer, Hyderabad

The Accountant General, AndhraPradesh , Hyderabad

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad

Copy to

The Government Pleader for School Education, High Court of Andhra Pradesh
Hyderabad

The District Educational Officer, Hyderabad

The Correspondent, Keshav memorial High School , Naranguda, Hyderabad,

The Finance (ESE) Department

The Finance (BG.I) Department

// FORWARDED :: BY ORDER //

SECTION OFFICER